

REMARKS

I. Claim Rejections - §102 (Razvi)

Reconsideration is requested of the Examiner's rejection of Claims 2-4, 9-12, 18-20, 25-28, 33 and 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,107,452 to Razvi. The Examiner relied on the Razvi reference for disclosing all the elements of independent Claims 38 and 39.

The Razvi reference discloses an electrical conductive pipe fitting that comprises numerous parts – body 11, grip ring 30, gasket 35, compression nut 24, stiffener 40, and electrically conductive collar 50. The purpose of the Razvi device is to connect adjacent plastic pipe segments, typically beneath the ground, with an electrically conductive liner that ensures conductivity of liners of adjacent pipe segments. Electrical conductivity is achieved with a machine screw 53 which extends through the body 11. Fig. 5; Col. 5, lines 53-57.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 38 discloses a combination device for positioning and securing at least one electrical wire-carrying conduit to a structure, comprising:

a coupling member adapted to receive one end of said conduit,
said coupling member comprising a tubular member having opposed axially aligned ends, each of said ends adapted to receive one end of said conduit, and said tubular member having a top surface and an aperture through said top surface; and
a supporting member for securing said coupling member to said structure above said coupling member, said supporting member comprising a stem having a free end portion adapted to securely engage said coupling member and engage said conduit through said aperture,
wherein said supporting member is positioned above said aperture on said top surface of said tubular member.

Similarly, Claim 39 discloses a combination device for positioning and securing a pair of electrical wire-carrying conduits to a structure, comprising:

a coupling member adapted to receive said conduits,
said coupling member comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of said pair of conduits, and said tubular member having an aperture through said cylindrical wall into said interior space; and
a supporting member for securing said coupling member to said structure adjacent said coupling member, said supporting member comprising a stem having a free end portion engaging said aperture to support said tubular member and is positioned in said interior space of said tubular member sufficient to engage said ends of said conduits received through said opposite ends of said tubular member.

The Ravzi reference fails to disclose, at least, the above elements shown in **bold and italics**. The purpose and construction of the device of the Ravzi reference is patentably different from the present invention. The present invention is a device that positions and secures at least one conduit to “a structure,” usually for support. Although the Examiner relied on machine screw 53 of the Ravzi reference as being the supporting member, the machine screw 53 is for a different purpose and fails to meet the limitations set forth in Claims 38 and 39, i.e., “for securing said coupling member to said structure adjacent/above said coupling member.” The machine screw 53 of the Ravzi reference is merely present to ensure electrical conductivity of the liners of the plastic pipe segments. Col. 5, lines 53-57. It is neither intended, nor could it be used, to support the pipe to a structure, such as taught and claimed by Applicant. Also, the device of the Ravzi reference is intended to be used with pipes buried beneath the ground.

Further, the present invention provides “a supporting member comprises a stem having a free end portion adapted to... engage said conduit.” Claim 38 (emphasis added). As shown in Fig. 5, the machine screw 53 of the Ravzi reference does not directly engage the pipe segments 23. Instead, the machine screw 53, as intended, is positioned in direct contact with the

conductive collar 50 and body 11 only. The supporting member of the present invention is not for holding a collar in place, but for engaging at least one conduit. There is no disclosure, teaching or suggestion in the Ravzi reference that the machine screw 53 of the Ravzi device can be used for supporting the coupling member and engaging the conduit received within the coupling member. Similarly, there is no disclosure, teaching or suggestion in the Ravzi reference that the machine screw 53 of the Ravzi reference is positioned in the interior space to engage the ends of the conduits. Claim 39. Therefore, the Ravzi reference fails to teach “each and every element” of Claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 2-4, 9-12, 18-20, 25-28, 33, and 37-40 are not anticipated by the Ravzi reference.

II. Claim Rejections - §102 (Eidelberg)

Reconsideration is requested of the Examiner’s rejection of Claims 3, 4, 19, 20, 33-35 and 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,892,136 to Eidelberg. The Examiner relied on the Eidelberg reference for disclosing all the elements of independent Claims 38 and 39.

The Eidelberg reference discloses an electrical coupling that utilizes a set screw 20/36 inserted into a tubular sleeve 12 to act as a stop member for two conduits 14 & 16 inserted into opposite ends of the sleeve 12. Fig. 2. The purpose of the screw 20/36 of the Eidelberg reference is to prevent the conduits 14 and 16 from passing through the sleeve 12.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 38 discloses a combination

device for positioning and securing at least one electrical wire-carrying conduit to a structure, comprising:

a coupling member adapted to receive one end of said conduit,
said coupling member comprising a tubular member having opposed axially aligned ends, each of said ends adapted to receive one end of said conduit, and said tubular member having a top surface and an aperture through said top surface; and
a supporting member for securing said coupling member to said structure above said coupling member, said supporting member comprising a stem having a free end portion adapted to securely engage said coupling member and said conduit through said aperture,
wherein said supporting member is positioned above said aperture on said top surface of said tubular member.

Similarly, Claim 39 discloses a combination device for positioning and securing a pair of electrical wire-carrying conduits to a structure, comprising:

a coupling member adapted to receive said conduits,
said coupling member comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of said pair of conduits, and said tubular member having an aperture through said cylindrical wall into said interior space; and
a supporting member for securing said coupling member to said structure adjacent said coupling member, said supporting member comprising a stem having a free end portion engaging said aperture to support said tubular member and is positioned in said interior space of said tubular member sufficient to engage said ends of said conduits received through said opposite ends of said tubular member.

The Eidelberg reference fails to disclose, at least, the above elements shown in **bold and italics**. The purpose and construction of the device of the Eidelberg reference is patentably different from the present invention. The present invention is a device that positions and secures at least one conduit to “a structure,” usually for support. Although the Examiner relied on set screw 20/36 of the Eidelberg reference as being the supporting member, the set screw 20/36 fails to meet the limitations set forth in Claims 38 and 39, i.e., “for securing said coupling member to said structure adjacent/above said coupling member.” The set screw 20/36 of the Eidelberg reference is merely present to acts as a stop member. Col. 2, lines 8-11. The Eidelberg reference

does not teach, disclosure or suggest nor is the set screw 20/36 intended to support the conduits to a structure.

Further, the present invention provides “a supporting member comprises a stem having a free end portion adapted to . . . engage said conduit.” Claim 38 (emphasis added). As shown in Fig. 2, the set screw 20/36 of the Eidelberg reference does not engage the conduits 14 and 16. Instead, the set screw 20/36 is positioned to stop the conduits 14 and 16 from being inserted too far into the sleeve 12. The supporting member of the present invention does not act as a stop member, but for engaging at least one conduit to hold it in position. As disclosed in Figs. 1, 2 and 4, a separate element 37 of the present invention acts as the stop member. There is no disclosure, teaching or suggestion in the Eidelberg reference, that the set screw 20/36 of the Eidelberg device is for supporting the coupling member and engaging the conduit received within the coupling member. Similarly, there is no disclosure, teaching or suggestion in the Eidelberg reference that the set screw 20/36 of the Eidelberg reference is positioned in the interior space to engage the ends of the conduits. Claim 39. Therefore, the Eidelberg reference necessarily fails to teach “each and every element” of Claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 3, 4, 19, 20, 33-35 and 37-40 are not anticipated by the Eidelberg reference.

III. Claim Rejections - §103(a) (Razvi and Howard)

Reconsideration is requested of the Examiner’s rejection of Claims 5-8, 13-16, 21-24, and 29-32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,107,452 to Razvi in view of U.S. Patent No. 2,793,578 to Howard. The Examiner relied on the Razvi reference for disclosing all the elements of these claims except for a lock nut along the stem.

As discussed in §I, supra, the Razvi reference fails to disclose, teach or suggest all the elements of independent Claims 38 and 39. The Howard reference also fails to disclose, teach or suggest these elements lacking in the Razvi reference, i.e., a support member “comprises a stem having a free end portion adapted to securely engage said coupling member and engage said conduit” and “for securing said coupling member to said structure adjacent/above said coupling member.” Therefore, Claims 5-8, 13-16, 21-24, and 29-32, which are dependent from Claims 38 or 39, are not unpatentable over the Razvi reference in view of the Howard reference.

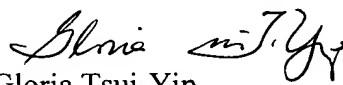
IV. Conclusion

If the Examiner has any questions on the above and believes a telephone conference will aid in the allowance of the application, please contact the undersigned by telephone.

Applicant respectfully requests that this Amendment be entered because it requires only a cursory review by the Examiner, does not raise issue of new matter nor requires additional search.

By virtue of the Applicant's amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,


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